

REMARKS

Applicant respectfully requests reconsideration. By this amendment, Applicant is canceling claims 4, 9, 10, 13, 17, 18, 21, 23-28, 30-59, 62-69, 72 and 73 without prejudice or disclaimer. Claims 1-3, 5-8, 11, 12, 14, 15, 19 and 22 have been amended. New claims 74-83 have been added, which correspond to withdrawn claim 22 but depending from claims 2, 3, 5-8, 11, 12, 14 and 15, respectively. As a result, claims 1-3, 5-8, 11, 12, 14, 15, 19, 20, 22 and 74-83 are pending for examination with claim 1 being an independent claim. No new matter has been added.

The Examiner noted on page 2 of the Office Action that claim 21 is under examination and claim 22 is withdrawn. Claim 21 has been canceled herewith. Applicant has noted the withdrawn status of claim 22, and having amended it herewith, has marked it as "Withdrawn and Currently amended". Claim 19 is similarly marked.

Statement of Substance of Interview

Applicant and Applicant's representative thank the Examiner for the interview at the USPTO on September 22, 2010. As stated in the Interview Summary mailed on September 24, allowable claim language was discussed. In addition to the language for claim 1, Applicant's representative and the Examiner also discussed rejoinder of claim 22, directed to genetically modified mouse cells obtained from a genetically modified mouse.

Rejections Under 35 U.S.C. § 103

Claims 1-8, 11, 12, 14, 15, 18, 20, 21, 39 and 40 are rejected under 35 U.S.C. §103(a) as being obvious over WO 98/54348 (IDS) in view of Rajewsky et al. (U.S. Patent No. 6,570,061, IDS) and Li et al. (PNAS 1996;93:6158-62). Applicant respectfully requests reconsideration.

Applicant has amended the claims to recite that the complete coding region of the endogenous immunoglobulin heavy chain constant region locus is deleted. This feature is consistent with the evidence of unexpected results provided in the previously-submitted Declaration by Marianne Brüggemann (filed on February 16, 2010). For the reasons detailed in the Amendment submitted on February 16, 2010 and the Declaration by Marianne Brüggemann filed therewith, Applicant submits that the claims as amended are not obvious over the cited combination of WO 98/54348, Rajewsky et al. and Li et al., at least because the combination of references does not provide the elements of the claimed invention and does not provide a reasonable expectation of success, and further there would not have been a reason to combine the references. Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. M0106.70004US00.

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Respectfully submitted,

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